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SUBJECT: TAJIK DRAFT LAW ON RELIGION SEES THE LIGHT OF DAY

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¶1. (SBU) Summary: PolOff attended a November 7 OSCE-initiated forum on the draft Law on Religion. While government officials emphasized the necessity of such a law and the "transparency" of the drafting process, religious groups and non-governmental organizations expressed deep concerns about the draft on numerous fronts. This discussion may lead to government cooperation with concerned parties to address the problematic aspects of the law. End summary.

¶2. (SBU) Government officials had been evasive about discussing the draft Law on Religion. Interested organizations had been unable to obtain an official version of the bill, which was rumored to be sent to Parliament for approval before the end of the year. Because of this lack of transparency, OSCE Head of Mission Pryakhin requested that the government provide an official version of the draft Law on Religion, and he requested that the Social Partnership Club devote a session to discussing the draft. The Social Partnership Club is a forum for government officials, parliamentarians, non-governmental organizations, and international organizations to discuss important social issues. OSCE helped establish the forum and is the lead international organization, keeping it alive since the departure of the UNTOP mission. Government officials granted Ambassador Pryakhin's requests. PolOff attended the 7 November meeting, which was covered by radio and television journalists.

The Government Position

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¶3. (U) Saidmurod Fattoev, the State Advisor on Political and Social Issues, opened the forum. He indicated that the intent of the law was to "enable protection of religious freedom," emphasizing those parts of the law that allowed for religious expression. He commented that the government is "meeting the demands of people in society," pointing as evidence to the amendments included at the suggestion of religious leaders and parliamentarians in successive drafts of the law since 2005.

¶4. (U) Idibek Ziyoev, the Deputy Minister of Culture, admitted that the current Law on Religion does not meet international standards. He emphasized that the new draft law reflects the fact that Tajikistan is a secular state, but that Islam plays an important role in society.

The OSCE Position

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¶5. (SBU) Obtaining an official version of the draft law has enabled OSCE to formulate a strategy for addressing the law head on. During the meeting, Ambassador Pryakhin outlined specific concerns OSCE has with the law, including discriminatory language and inconsistency with international standards and agreements. Ambassador Pryakhin called on officials to make an official request that the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) review the draft law and work with government officials to improve the draft.

¶6. (SBU) In a separate meeting, Ambassador Pryakhin indicated that the Minister of Culture has agreed to officially request an ODIHR review. The OSCE has already shared its analysis "through working channels," according to Pryakhin, but cannot do so officially or publicly absent an official request.

What Do the People Say?

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¶7. (U) Representatives of non-governmental organizations and religious groups criticized the draft law. Many pointed out that the Tajik and Russian versions differed in key areas, and asked which was the more correct version. Others pointed out the numerous provisions that contradict the Tajik constitution, and argued that the draft law has so many vague provisions that it is highly vulnerable to abuse. Representatives of religious minorities pointed out discriminatory provisions in the draft, and one speaker called the draft a "return to Stalinism."

¶8. (U) Muhiddin Kabiri, Chairman of the Islamic Renaissance Party, and a parliamentary deputy, protested the prohibition on political parties having religious bases. Others at the meeting echoed this concern.

¶9. (U) The consensus of those present was that the draft law has numerous shortcomings, and that it is not ready for submission to Parliament. The Executive Secretary of the Social Partnership Club suggested that all those present submit their concerns about the draft in writing.

Comment - Just the Beginning of Discussion, More Needed

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¶10. (SBU) Comment: Prior to this conference, the draft law appeared to have been on a fast track for parliamentary approval without public review. Obtaining an official copy of the draft law is an important accomplishment that will allow OSCE and other interested parties to address their concerns more forcefully with the government. We do not know if government officials will significantly overhaul the law, but are hopeful that the opening of a public discussion on this matter will slow down the legislative process. OSCE is also planning a roundtable on the draft November 21.

¶11. (SBU) Comment Continues: OSCE's leadership in this matter, through the Social Partnership Club it supports, shows the vital role the organization plays in fostering dialogue between parties that otherwise could not effectively communicate and manage their conflicts. Since the United Nations Office of Tajikistan Peace Building (UNTOP) has ceased its operations, the OSCE is the only multilateral organization here which can conduct political dialogue programs, helping prevent Tajikistan from descending back into turmoil. Embassy urges the State Department to support, to the extent possible, OSCE's budget request for 2008, which includes a substantial increase in political security and dialogue programs. End Comment.

JACOBSON